



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/008,888	11/08/2001	John Ruckart	36968/262330 (BS 001250)	5266

23552 7590 11/23/2004

MERCHANT & GOULD PC
P.O. BOX 2903
MINNEAPOLIS, MN 55402-0903

EXAMINER

TRAN, QUOC DUC

ART UNIT	PAPER NUMBER
----------	--------------

2643

DATE MAILED: 11/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/008,888

Applicant(s)

RUCKART ET AL.

Examiner

Quoc D Tran

Art Unit

2643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 5,6 and 8 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4,7 and 9-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 8/04; 9/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2, 10-11, 15 and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Walker (5,825,863).

Consider claim 1, Walker teaches a method for prepaid communications, comprising: crediting a user account with prepaid credit (col. 2 lines 7-10); receiving a predefined condition, wherein the predefined condition comprises a plurality of destination numbers; receiving a communications connection directed to a destination number; determining if the destination number of the received communications connection is one of the plurality of destination numbers of the predefined condition; and if the destination number of the received communications connection is one of the plurality of destination numbers of the predefined condition, then deducting the cost of the communications connection from the user account (col. 2 lines 38-54; col. 3 line 48 – col. 4 line 41).

Consider claim 2, Walker teaches the method wherein the communications connection comprises a phone call (col. 1 lines 6-7).

Consider claim 10, Walker teaches the method further comprising accepting a code number to access the user account (col. 3 lines 58-64).

Art Unit: 2643

Consider claim 11, Walker teaches the method further comprising terminating the communications connection if the predefined condition is not met (col. 4 lines 29-35).

Consider claim 15, Walker teaches a computer readable medium for prepaid communications, comprising: a first set of instructions for crediting a user account with prepaid credit associated therewith (col. 2 lines 7-10); a second set of instructions for receiving a predefined condition, wherein the predefined condition comprises a plurality of destination numbers; a third set of instructions for receiving a communications connection directed to a destination number; a fourth set of instructions for determining if the destination number of the received communications connection is one of the plurality of destination numbers of the predefined condition; and a fifth set of instructions for deducting the cost of the communications connection from the user account if the destination number of the received communications connection is one of the plurality of destination numbers of the predefined condition (col. 2 lines 38-54; col. 3 line 48 – col. 4 line 41).

Consider claim 18, Walker teaches a system for managing prepaid communications, comprising: an application module operative to credit a user account with prepaid credit (col. 2 lines 7-10); receive a predefined condition, wherein the predefined condition comprises a plurality of destination numbers; detect a communications connection directed to a destination number; determine if the destination number of the received communications connection is one of the plurality of destination numbers of the predefined condition; and if the destination number of the received communications connection is one of the plurality of destination numbers of the predefined condition, then deduct the cost of the communications connection from the user account (col. 2 lines 38-54; col. 3 line 48 – col. 4 line 41).

Art Unit: 2643

3. Claims 17 and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Lauzon (2003/0043984).

Consider claim 17, Lauzon teaches a method for prepaid communications, comprising: crediting a user account with prepaid credit (§ 18); receiving a predefined condition, wherein the predefined condition comprises a plurality of origination numbers; receiving a communications connection from an origination number; determining if the origination number of the received communications connection is one of the plurality of origination numbers of the predefined condition; and if the origination number of the received communications connection is one of the plurality of origination numbers of the predefined condition, then deducting the cost of the communications connection from the user account (§ 9 and 30).

Consider claim 19, Lauzon teaches a system for managing prepaid communications, comprising: an application module operative to credit a user account with prepaid credit (§ 18); receive a predefined condition, wherein the predefined condition comprises a plurality of origination numbers; detect a communications connection from an origination number; determine if the origination number of the received communications connection is one of the plurality of origination numbers of the predefined condition; and if the origination number of the received communications connection is one of the plurality of origination numbers of the predefined condition, then deduct the cost of the communications connection from the user account (§ 9 and 30).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2643

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3, 4 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker (5,825,863) in view of Lesley (6,188,752).

Consider claim 3, Walker did not suggest wherein the communications connection comprises a digital subscription line (DSL). However, Lesley suggested such (col. 4 lines 32-48). Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to incorporate the teaching of Lesley into view of Walker in order extends prepaid service to other telecommunications services.

Consider claim 4, Walker did not suggest wherein the communications connection comprises an Ethernet connection. However, Lesley suggested such (col. 4 lines 32-48). Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to incorporate the teaching of Lesley into view of Walker in order extends prepaid service to other telecommunications services.

Consider claim 7, Walker did not suggest the method further comprising notifying a user of the amount of the prepaid credit. However, Lesley suggested such (col. 10 lines 19-22). Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to incorporate the teaching of Lesley into view of Walker in order to advice the users of their balance.

6. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Walker (5,825,863) in view of Lauzon (2003/0043984).

Consider claim 9, Walker did not suggest the method further comprising bypassing toll restrictions if a bypass code is received. However, Lauzon suggested such (§11). Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to utilize the teaching of Lauzon into view of Walker in order to provide user to the flexibility of controlling their usages.

7. Claims 12, 14, 16 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lesley (6,188,752) in view of Player et al (6,542,590).

Consider claim 12, Lesley teaches a method for prepaid wireline, comprising: crediting a first user account with a first prepaid credit amount, wherein the first user account comprises a first access code; crediting a second user account with a second prepaid credit amount, wherein the second user account comprises a second access code; receiving a proffered code and an origination of a communications connection; if the proffered code comprises the first access code, deducting the cost of the communications connection from the first prepaid credit amount; and if the proffered code comprises the second access code, deducting the cost of the communications connection from the second prepaid credit amount (abstract; col. 2 lines 14-29, lines 65-67; col. 4 lines 32-48; col. 5 lines 51-58; col. 6 lines 4-42).

Lesley did not suggest receiving an origination number; ***creating a plurality of user accounts associated with the origination number***, wherein each of the plurality of user account is associated with a different access code. However, Player et al suggested such (abstract; col. 2 lines 1-15).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to incorporate the teaching of Player et al into view of Lesley in order charge the call to each account accordingly.

Consider claim 14, Lesley teaches the method further comprising deducting the cost of the communications connection from at least one of the first user account or second user account if the communications connection is long distance (abstract).

Consider claim 16, Lesley teaches a computer readable medium for prepaid communications, comprising: a set of instructions for crediting a first user account with a first prepaid credit amount, wherein the first user account includes a first access code; a set of instructions for crediting a second user account with a second prepaid credit amount, wherein the second user account includes a second access code; a set of instructions for detecting a code; a set of instructions for deducting the cost of the communications connection from the first prepaid credit amount if the code is the first code; and a set of instructions for deducting the cost of the communications connection from the second prepaid credit amount if the code is the second access code (abstract; col. 2 lines 14-29, lines 65-67; col. 4 lines 32-48; col. 5 lines 51-58; col. 6 lines 4-42).

Lesley did not suggest a set of instructions for receiving an origination number; a set of instruction for *creating a plurality of user accounts associated with the origination number*, wherein each of the plurality of user account is associated with a different access code. However, Player et al suggested such (abstract; col. 2 lines 1-15).

Art Unit: 2643

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to incorporate the teaching of Player et al into view of Lesley in order charge the call to each account accordingly.

Consider claim 20, Lesley teaches system for managing prepaid communications, comprising: an application module operative to credit a first user account with a first prepaid credit amount, wherein the first user account comprises a first access code; credit a second user account with a second prepaid credit amount, wherein the second user account comprises a second access code; receive a proffered code; if the proffered code comprises the first access code, deduct the cost of the communications connection from the first prepaid credit amount; and if the proffered code comprises the second access code, deduct the cost of the communications connection from the second prepaid credit amount (abstract; col. 2 lines 14-29, lines 65-67; col. 4 lines 32-48; col. 5 lines 51-58; col. 6 lines 4-42).

Lesley did not suggest receive an origination number; ***create a plurality of user accounts associated with the origination number***, wherein each of the plurality of user accounts is associated with a different access code. However, Player et al suggested such (abstract; col. 2 lines 1-15).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to incorporate the teaching of Player et al into view of Lesley in order charge the call to each account accordingly.

8. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lesley (6,188,752) in view of Player et al (6,542,590) and further in view of Lauzon (2003/0043984).

Art Unit: 2643

Consider claim 13, Lesley did not further suggest further comprising bypassing toll restrictions if a bypass code is received. However, Lauzon suggested such (§11). Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to utilize the teaching of Lauzon into view of Lesley and Player et al in order to provide user to the flexibility of controlling their usages.

Response to Arguments

9. Applicant's arguments with respect to claims 1-4, 7 and 9-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

11. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Facsimile responses should be faxed to:
(703) 872-9306

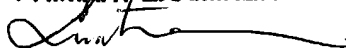
Hand-delivered responses should be brought to:
Crystal Park II, 2121 Crystal Drive
Arlington, VA., Sixth Floor (Receptionist)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Quoc Tran** whose telephone number is **(703) 306-5643**. The examiner can normally be reached on Monday-Thursday from 8:00 to 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Curtis Kuntz**, can be reached on **(703) 305-4708**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Technology Center 2600** whose telephone number is **(703) 306-0377**.

QUOCTRAN
PRIMARY EXAMINER


AU 2643

November 19, 2004